

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION

Gina Bowles and Jason Bowles

Civil No. _____

Plaintiffs,

v.

COMPLAINT

Robert Sticca, M.D.

Defendant.

PLAINTIFFS FOR THEIR CAUSE OF ACTION AGAINST THE DEFENDANT
HEREIN STATES AND ALLEGES AS FOLLOWS:

I.

Jurisdiction of this Court exists pursuant to 28 U.S.C. § 1332 in that the matter in controversy herein exceeds the sum of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars exclusive of interest, costs and disbursements, and that the controversy is between citizens of different states.

II.

That at all times material hereto, plaintiffs Gina Bowles and Jason Bowles were and are wife and husband and are citizens and residents of the State of Minnesota.

III.

That at all times material hereto, defendant Robert Sticca, M.D., was a citizen and resident of the State of North Dakota and was engaged in the practice of medicine as a general surgeon.

IV.

That on February 28, 2013, defendant Robert Sticca, M.D. performed surgery on plaintiff Gina Bowles to remove her left seventh rib; that in performing such surgery, defendant Robert Sticca, M.D. negligently departed from the degrees of skill and care ordinarily possessed and exercised by surgeons under the same or similar circumstances in that he failed to accurately and adequately identify the seventh rib during the performance of the surgery and negligently removed plaintiff Gina Bowles' sixth rib instead.

V.

That as a direct result of defendant's negligence, plaintiff Gina Bowles was required to undergo an additional surgery to remove her seventh rib and has sustained pain, discomfort and disability related to the additional surgery and the consequence of having two ribs removed rather than one; she has and will in the future be caused to expend sums of money for general medical care and treatment; she has and will in the future lost time from her employment and her future earning capacity has been and will be impaired; and that she has in will in the future experience pain, suffering, disability and emotional distress.

VI.

That by reason of the injuries to his spouse, plaintiff Jason Bowles has been deprived of her care, comfort, companionship and services.

VII.

That as a direct result of the injuries and damages alleged, plaintiffs has been damaged in an amount in excess of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars.

VIII.

That plaintiffs have at all times complied with N.D.C.C. § 32-42-03.

WHEREFORE, plaintiffs pray for judgment against the defendant herein for a reasonable amount in excess of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars, together with costs disbursements and interest as allowed by any and all applicable laws.

DATED: 02/29/2014

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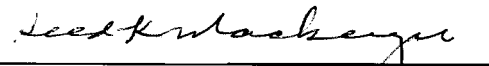
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DATED: 01/15/2014

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all the issues of fact.

DATED: 01/29/2014

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